In the High Court of Judicature at Madras

Dated: 03.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N.PAUL VASANTHAKUMAR

Writ Appeal No.2204 of 2002
and W.A.M.P.Nos.3765 and 3766 of 2002

I T C Limited,
represented by G.M.K.Raju,
Chief Executive,
Packaging & Printing Division (SBU),
Thiruvottriyur,
Chennai-600 019. ..Appellant / Third party

..vs..

1. The Inspector of Police,
   H-1, Ennore Police Station,
   Chennai-600 057.

2. The Deputy Superintendent
   of Police,
   Ennore Division,
   Ramakrishna Nagar,
   Chennai-600 057.

3. Indian Tobacco Company
   Employees Union,
   (Regd.No.1852),
   rep.by its General Secretary,
   A.Joseph Kennedy,
   No.334, T.H.Road,
   Chennai-600 019. ..Respondents/Respondents & Petitioner

Writ Appeal filed under Clause 15 of Letters Patent, against th Order dated 14.06.2002 passed in W.P.No.20422 of 2002 presented unde Article 226 of the Constitution of India to issue a Writ o Certiorarified Mandamus calling for the records relating to the orde dated 5.5.2002 issued by the 1st Respondent herein, quashing the sam and consequently directing the Respondents herein to permit th petitioner Union to hold peaceful protests in the form of gat meetings, dharnas, demonstrations, etc., near the entrance gate o

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Indian Tobacco Company, Thiruvottiyur, Chennai-19.

For Appellant : Mr.Sriram Panchu, Senior Counsel
for Mr.G.Anbumani

For Respondents : Mr.K.Elango, Spl.G.P.,for R1 & R2
Mr.C.K.Chandrasekaran for
M/s.Row & Reddy for R3

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.,)

The above writ appeal is directed against the order of the learne single Judge dated 14.06.2002 made in W.P.No.20422 of 2002, in and b which, the learned Judge permitted the petitioner-Employees Union t hold a gate meeting of its members on 22.06.2002 at the South Gat entrance of the Indian Tobacco Company, Thiruvottiyur, Chennai-19, t be conducted in a peaceful manner with the members of the Associatio not indulging in any provocation or unlawful activities. Since th appellant management was not a party in the writ petition, afte obtaining permission, the above appeal was filed.

2. Heard Mr.Sriram Panchu, learned Senior Counsel for th appellant, Mr.K.Elango, learned Special Government Pleader fo respondents 1 and 2 and Mr.Chandrasekaran, learned counsel for 3 respondent-Employees Union.

3. Mr.Sriram Panchu, learned senior counsel appearing for th appellant, by drawing our attention to the relief sought for an granted by the learned Judge, submitted that inasmuch as the managemen was not a party in the writ petition, the learned Judge ought not t have granted permission to hold a meeting in front of the gate of it factory. He further contended that inasmuch as permission was grante to have a meeting in front of South Gate of the factory, it is bu proper to hear the appellant management. He also contended that i view of the Memorandum of Settlement dated 09.11.2002, particularl clause 29(f), the writ petition filed by A.Joseph Kennedy claimin himself as a General Secretary is not maintainable.

4. On the other hand, Mr.Chandrasekaran, learned counse appearing for contesting 3rd respondent-Employees Union submitted tha in view of the fact that permission was granted to hold gate meetin for one day i.e.on 22.06.2002 and of the fact that the meeting wa conducted as permitted, as on date nothing survives for adjudicatio and according to him, the writ appeal is to be dismissed a infructuous. He further contended that the Memorandum of Settlemen dated 09.11.2002 is yet to be approved as per the provisions of th Industrial Disputes Act. Accordingly, no credence need be given to th terms and conditions prescribed therein.

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5. We verified the relief sought for in the writ petition impugned order passed by the Inspector of Police, H-1, Ennore Polic Station as well as the direction issued by the learned Judge, which i challenged in this writ appeal. We are of the view that in a matte like this, it is but proper to hear both parties, namely, workers a well as the management, particularly permission is sought for to hold meeting in front of the gate of the company. In view of the fact tha the meeting was conducted on 22.06.2002, we are not inclined to issu further direction. Likewise, we are not expressing anything about th contention relating to the Memorandum of Settlement dated 09.11.2002 a well as the locus standi of the writ petitioner, namely, A.Josep Kennedy, General Secretary, in filing the writ petition. We are of th view that everyone has right to express their views peacefully. At th same time, it should not affect the interest of the others particularly, the affairs of the Company and its properties. Thoug the workmen or their representatives or the persons authorised can hav a meeting or gathering to air their grievance, it should be quite away preferably 100 metres away from the main gate of the factory. We als make it clear that for holding such meeting, a proper application ha to be made before the authority concerned and it is for the competen authority to grant such permission, taking note of various aspect including law and order, safety of the general public as well as th management.

With the above observation, the writ appeal is closed. No costs Consequently, connected miscellaneous petitions are closed.

gl

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

1. The Inspector of Police,
   H-1, Ennore Police Station,
   Chennai-600 057.

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2. The Deputy Superintendent
   of Police,
   Ennore Division,
   Ramakrishna Nagar,
   Chennai-600 057.

2 CCS TO MR.G. ANBUMANI, ADVOCATE SR 515

1 CC TI M/S ROW & REDDY, ADVOCATE SR 458

Judgment in Writ Appeal No.2204 of 2002

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